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EXAMINER

BURLESON, MICHAEL L

ART UNIT PAPER NUMBER

2625

DATE MAILED: 06/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/961,389

Applicant(s)

HUNLICH, KLAUS

Examiner

Michael Burleson

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see Applicants remarks page 4-6, filed 03/17/2006, with respect to the rejection(s) of claim(s) 1-10 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Amit et al. US 6259538.

2. Applicant states that the reference of Albal teaches of a connection between a computer workstation (30) and a local server (28), which is not a real-time connection. Examiner agrees with applicant. The reference of Amit et al. teaches of a connection from a facsimile machine to a facsimile gateway using a pstn (figure 1). This connection is a real-time connection. Applicant also states that the reference of Albal teaches of a near-end and far-end acknowledgement between communication partners does not teach of preventing or not sending an acknowledgement for verification of a correct transmission from at least one first intermediate station to the at least first subscriber. Examiner agrees with Applicant. The reference of Amit et al. teaches only of an acknowledgment is sent after the fax has been received by the receiving fax (column 4, lines 25-28). The fact that Amit et al. only sends an acknowledgment after the fax has been received by another fax machine would read on preventing or not sending an acknowledgement for verification of a correct transmission from at least one first intermediate station to the at least first subscriber. Claims 1-10 are rejected.

Priority

3. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d).

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claims 2 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Regarding claim 2, Examiner fails to understand how the reception of data of the at least on first subscriber by the at least one first intermediate station is acknowledged if in independent claim 1, acknowledgement for correct transmission provided from the at least one first intermediate station to the at least one first subscriber is acknowledged.
4. Regarding claim 10, Examiner fails to understand how there can be a real-time communication link between at least one first subscriber and at least one second subscriber, wherein in claim 7, a real-time connection is established between the at least one second subscriber and the at least one second intermediate station.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Qarni et al. US 6438105.

3. Regarding claim 1, Amit et al. teaches a method of transmitting facsimile data from at least one first subscriber to at least one second subscriber (figure 1). Amit et al. teaches of establishing a real-time connection to at least one first intermediate station and transmitting data to the first intermediate station (figure 1 and column 3, lines 25-30). Amit et al. teaches of preventing an acknowledgement for verification of a correct transmission provided from the at least one first intermediate station to the at least one first subscriber (column 5, lines 5-10). Amit et al. teaches forwarding, from the at least one first intermediate station, the data to at least one second intermediate station over a connection which at least in part does not support real-time transmission (figure 1 and column 3, lines 25-39). Amit et al. teaches of establishing real-time connection between the at least one second subscriber and the at least one second intermediate station,

and transmitting the data to the at least one second subscriber (figure 1 and column 4, lines 25-39).

4. Regarding claim 2, Amit et al. teaches of wherein reception of the data of the at least one first subscriber by the at least one first intermediate station is acknowledged (column 4, lines 11-15).

5. Regarding claim 3, Amit et al. teaches wherein the reception of the data by the at least one second subscriber is acknowledged to the at least one second intermediate station (column 4, lines 16-21).

6. Regarding claim 4, Amit et al. teaches wherein the reception of the data of the at least one first subscriber is acknowledged by the at least one second subscriber, and the acknowledgement is transmitted over the entire link to the at least one first subscriber (column 4, lines 26-29).

7. Regarding claim 5, Amit et al. teaches wherein the at least one first intermediate station forwards the data to the at least one second intermediate station over a network at least in part based on TCP/IP (column 3, lines 35-38).

8. Regarding claim 6, Amit et al. teaches wherein the at least one first intermediate station and the at least one second intermediate station act in the form of a proxy (column 4, lines 43-55).

9. Regarding claim 7, the steps of method claim 1 performs all of the structural elements of claim 7. Thus, claim 7 is rejected for the same reasons discussed in the rejection of claim 1.

10. Regarding claim 8, the steps of method claim 6 performs all of the structural elements of claim 8. Thus, claim 8 is rejected for the same reasons discussed in the rejection of claim 6.

11. Regarding claim 9, the steps of method claim 5 performs all of the structural elements of claim 9. Thus, claim 9 is rejected for the same reasons discussed in the rejection of claim 5.

12. Regarding claim 10, Amit et al. teaches wherein the communication link between the at least one first subscriber and at least one second subscriber is a real-time communication link (figure 1).

Conclusion

Any inquiry concerning this communication should be directed to Michael Burleson whose telephone number is (571) 272-7460 and fax number is (571) 273-7460. The examiner can normally be reached Monday thru Friday from 8:00 a.m. – 4:30p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached at (571) 272-7471



KIMBERLY WILLIAMS
SUPERVISORY PATENT EXAMINER

Michael Burleson
Patent Examiner
Art Unit 2626



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June 12, 2006